



Chatham County, NC

Legislation Text

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A discussion item to consider County-initiated rezonings of businesses in the formerly unzoned portion of Chatham County.

Action Requested:

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Introduction & Background:

After nearly two years of discussion and study, on August 15th, 2016, the Chatham County Board of Commissioners voted to zone the formerly unzoned portions of the county to R-1 and R-5 residential. The draft Comprehensive Land Use Plan specifically supports “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.” (Land Use Policy #7, Strategy 7.2). Consequently, prior to the adoption of county-wide zoning, the Chatham County Planning Department sent a business listing form to every property owner in the unzoned portion of the county. Nearly 13,000 forms were sent. The business listing form asked property owners to list any non-residential use of their land, so the Planning Department could properly document any non-conforming uses and prepare for future rezonings. The Planning Department received over 1,000 forms. Approximately 300 forms described non-conforming businesses, while the remaining 700 listed either agricultural uses of the land (which were exempted from zoning regulations via the bona fide farm exemption) or otherwise permitted uses, such as a residence. Aerial images of these 300 businesses were captured, as well, in order to further establish non-conforming status.

Discussion & Analysis:

In addition to mailing and documenting business listing forms, Planning staff compiled tax and fire inspection records to determine if there were any other businesses in the formerly unzoned portions of the county. After combining tax and fire inspection records, along with the business listing forms, staff determined that 524 parcels in the formerly unzoned part of the county may contain non-conforming uses or businesses. In order to confirm that these non-conforming uses actually existed, staff performed site visits to each parcel, spoke with the property owners, and documented the current use of the property. After several months of visiting properties, the following observations were made by staff:

- 204 parcels appear to be eligible for rezoning to a non-residential zoning district
- 48 parcels are eligible for the issuance of a home occupation permit
- 272 parcels are not eligible for rezoning or issuance of a home occupation permit

During the site visiting process, the interior of multiple parcels were inaccessible to staff due to “No Trespassing” signage, the presence of loose dogs, or physical barriers, such as locked gates, fences, or washed out roads. However, the tax data, aerial imagery, and some visual confirmation from the site visits allowed staff to recommend rezonings, issuance of HOPs, or maintenance of the status

quo for these parcels.

Based on the observed use, staff determined which zoning classification would be most appropriate to consider to use for rezoning the property. Since many uses are permitted in multiple zoning classifications, staff recommended that the parcels be eligible for rezoning to the least intensive permitted zoning classifications possible. For example, if a use were allowed in both light and heavy industrial zoning district, then staff recommended that the parcel should be eligible to be rezoned to the light industrial classification. Furthermore, some uses are permitted in an R-1 or R-5 district with the issuance of Conditional Use Permit. It should be noted that many of the non-conforming uses on parcels eligible for rezoning do not occur across the entirety of the parcels. Many uses are limited to a single building or small portion of the parcel.

Now that the inventory of businesses is complete, the next step is to meet with property owners eligible for a rezoning to determine if they wish to rezone their property, and if so, how much of the property they would like to rezone. Planning staff would contact property owners and schedule these meetings. Additionally, planning staff will coordinate with representatives from the Chatham County Tax Department as the issue of changes in tax value is likely to arise. Once the meetings are complete, and the list of properties and portions of properties that will undergo rezoning is finalized, staff will present this information to the Board of Commissioners and then move forward with a County-initiated rezoning of these business properties.

A gis web application has been created identifying the properties and a link has been included as an attachment (

<http://chathamncgis.maps.arcgis.com/apps/webappviewer/index.html?id=8a3a205b2dbd41459379332f46537df3>).

The properties that were reviewed by staff are identified under the "Business Zoning Layers" folder and "Status Quo" means no change is recommended, "Home Occupation Permit Eligible" means that the use qualifies as a home occupation and a rezoning is not necessary, and "Re-Zoning Eligible" means that a rezoning of all or a portion of the property is needed to made the use conforming. For "Re-Zoning Eligible" properties the layer includes the recommended zoning classification that would be most appropriate for the current use of the property.

Recommendation:

It is the recommendation of Planning staff to contact the landowners, inquire if they wish to rezone their parcel or a portion of their parcel to a different zoning classification as determined by staff, and if so, schedule a meeting with the owners and Planning staff to determine the extent of the rezoning. After these meeting are held, Planning staff will present the results to the Board of Commissioners and then move forward with a County-initiated rezoning of these businesses, as discussed in during the initial zoning process.